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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/787,345

02/26/2004

Jeffrey M. Fries

024777.0136PTUS

3974

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06/05/2007

EXAMINER

TIEU, BINH KIEN

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

06/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/787,345	Applicant(s) FRIES ET AL.	
	Examiner BINH K. TIEU	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 8-10, 14-16 and 20-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Lyles et al. (Pub. No.: US. 2005/0125482).

Regarding claim 1, Lyles et al. ("Lyles") teaches a computerized system for updating the layout of a telecommunications network, the system comprising:

a maintenance entry component (i.e., screen shot of a network element as shown in figure 4) for receiving maintenance information (see paragraph [0058]); and

a structural database component (i.e., database 182 shown in figure 1B) that updates the physical layout database of the network to reflect equipment has been added or removed from the physical layout of the telecommunications network (see paragraph [0060]).

Regarding claims 2-3, note figures 9 and 14-15, paragraphs [0066] and [0074]-[0074].

Regarding claim 4, note paragraphs [0060] and [0063].

Regarding claim 8, Lyles teaches a method in a computer system for automatically updating the layout of a telecommunications network, the method comprising:

receiving maintenance information that equipment has been added or removed from a physical layout of a telecommunications network (i.e., screen shot of a network element as shown in figure 4); and

automatically updating a physical layout database of the network to reflect that equipment has been added or removed from the physical layout of the telecommunications network, such that information in the physical layout database may be utilized to generate line usage reports (i.e., database 182 shown in figure 1B, see paragraph [0060]).

Regarding claim 9, note figures 13-15, paragraphs [0073]-[0075].

Regarding claim 10, note paragraph [0060]

Regarding claim 14, note paragraph [0077].

Regarding claims 15-16 and claims 20-25 are rejected with the same reasons set forth in the rejections of claims 1-4, 8-10 and 14 above.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

Art Unit: 2614

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 5-7, 11-13 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyles et al. (US. Pat. #: 6,385,668) in view of Mehra et al. (US. Pat. #: 7,089,583 as cited in the previous Office Action).

Regarding claims 5-7, 11-13 and 17-19, Lyles teaches all subject matters, except for a maintenance tracking component for storing and tracking information including time and date that the maintenance information was enter, and an identity of the user entering the maintenance information. However, Mehra et al. ("Mehra") teaches an automated system comprising a Business Development Kit ("BDK") providing the ability to track the history of all changes to an object, including the time and date of a change, the identity of the user, etc. for a purpose of providing security.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of a maintenance tracking component for storing and tracking information including time and date that the maintenance information was enter, and an identity of the user entering the maintenance information, as taught by Mehra, into view of Gaddess in order to provide security and to protect the computerized system.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Although the Sofman (US. Pat. #: 5,937,042) and Glaser et al. (US. Pat. #: 5,875,242) are not applied into this Office Action, they are also called to Applicants attention. They may be used in future Office Action(s). Both these references are also concerned with a computerized system and method for updating the layout of a telecommunication network such rehoming network element(s) as well as installing new network element(s).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

Any response to this action should be mailed to:

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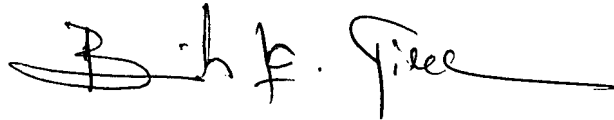
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Art Unit: 2614

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A handwritten signature in black ink, appearing to read "Binh Tieu", with a long horizontal flourish extending to the right.

**BINH TIEU**  
**PRIMARY EXAMINER**

Technology Division 2614

Date: May 21, 2007